

No. 78-1575

Supreme Court, U. S.

FILED

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MICHAEL RODAK, JR., CLERK

**In the  
Supreme Court of the United States**

OCTOBER TERM, 1978

**THE LIBERTARIAN PARTY OF ILLINOIS,**

*Petitioner.*

vs.

**BOARD OF ELECTION COMMISSIONERS  
OF THE CITY OF CHICAGO, et al.,**

*Respondents.*

On Petition for a Writ of Certiorari to the United States Court  
of Appeals for the Seventh Circuit

**SUPPLEMENTAL APPENDIX TO ORIGINAL  
PETITION FOR A WRIT OF CERTIORARI**

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**SUPPLEMENTAL APPENDIX TO ORIGINAL  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

GEORGE E. SANGMEISTER, LEROY VAN DUYN,  
JOHN C. McGUIRE, STANLEY B. WAZNIS, DONALD  
J. FORSYTHE, THOMAS A. DUNN, PATRICK J.  
O'NEILL, GEORGE L. COMERFORD, JR., and STEPHEN D. LUZBETAK, Plaintiffs,

NO. 76 C 3635

vs.

CLARA HARTLEY WOODARD, County Clerk of Will  
County, Illinois, Defendant,  
THE STATE BOARD OF ELECTIONS OF THE STATE  
OF ILLINOIS, Intervening Defendant,

Consolidated With

WILLIAM WALSH and BRIAN DUFF, Individually and  
as representatives of the Class,

Plaintiffs,

NO. 76 C 3752

vs.

THE BOARD OF ELECTION COMMISSIONERS OF  
CHICAGO, and JOHN HANLY, MARIE SUTHERS and  
HOWARD C. MEDLEY, SR., Individually and as Commissioners of Chicago, STANLEY KUSPER, County Clerk of Cook County, THE STATE BOARD OF ELECTIONS of the State of Illinois, and FRANKLIN J. LUNDING, JR., MICHAEL E. LAVELLE, DON W. ADAMS, and WILLIAM L. HARRIS, Individually and as members of the State Board of Elections for the State of Illinois,

Defendants and Third-

vs.

Party Plaintiffs,

THE REPUBLICAN PARTY OF ILLINOIS, THE  
DEMOCRATIC PARTY OF ILLINOIS, THE COMMUNIST PARTY OF ILLINOIS, THE SOCIALIST LABOR PARTY OF ILLINOIS, THE UNITED STATES LABOR PARTY OF ILLINOIS, THE SOCIALIST WORKERS PARTY OF ILLINOIS, and THE LIBERTARIAN PARTY OF ILLINOIS, Third-Party Defendants.

## JUDGMENT ORDER

This matter coming on to be heard on the procedures for ballot placement submitted by THE CHICAGO BOARD OF ELECTION COMMISSIONERS ("Board") and the COUNTY CLERK OF COOK COUNTY ("Clerk") and the objections thereto by plaintiff WILLIAM WALSH, the parties having appeared before the Court by their respective counsel, the Court having reviewed the aforesaid proposals and objections, and the Court being fully advised in the premises:

IT IS HEREBY ORDERED that the BOARD and the CLERK are authorized to proceed with ballot placement procedures as set forth in the above-referenced proposals, copies of which are attached hereto as Exhibits A and B, which proposals are found to be in compliance with the guidelines set forth by the Seventh Circuit in *Sangmeister v. Woodard*, 565 F.2d 460 (7th Cir. 1977).

IT IS FURTHER ORDERED that the aforesaid procedures shall include, in accordance with representations to this Court by the BOARD and the CLERK, a lottery for the "established parties", as defined by Illinois statute, to be held by the BOARD and the CLERK for their respective jurisdictions. The lottery shall be public and shall be preceded by notice to all participating political parties and to the public by some reasonable method. New political parties, if any, shall be placed on the ballot in the order certified by the Illinois State Board of Elections.

IT IS FURTHER ORDERED that, there being no basis for delaying the implementation of this order, it shall be effective immediately upon execution by the Court.

DATED: June 5, 1978

ENTER: Thomas R. McMillen  
JUDGE

## BALLOT PLACEMENT PROCEDURE FOR GENERAL ELECTIONS UNDER JURISDICTION OF CHICAGO BOARD OF ELECTION COMMISSIONERS

THE CHICAGO BOARD OF ELECTION COMMISSIONERS ("BOARD") pursuant to the opinion of the Seventh Circuit Court of Appeals in Nos. 77-1365 and 77-1366 (consolidated) (*Sangmeister, et al. v. Woodard, et al. and Walsh v. The Board of Election Commissioners of Chicago, et al.*) and No. 76-1953 (*Culliton v. The Board of Election Commissioners of the County of DuPage, et al.*) submits the following as the procedure which will be followed by the BOARD in placement of political parties in future general elections under its jurisdiction.

The BOARD faces unique problems in establishing a ballot placement procedure for general elections. The BOARD utilizes voting machines as compared to the other defendants, who employ the vote-a-matic devices. A typical format for the Board's machines is attached hereto as Exhibit A. This format, taken from the November, 1976, election, is designed to utilize the machine to the maximum, in order to minimize the use of paper ballots. (The burden imposed on the election machinery by having a substantial number of contests on paper ballots is, we believe, obvious and does not require extensive discussion.)

As can be seen on Exhibit A, the judicial retention ballot is on the machine. In order to retain this feature on the machine, it is necessary to develop a ballot placement procedure which will not: first, have fullslate parties on ballot lines which will make it impossible for judicial retention to remain; and second, have candidates for a specific office separated by the judicial retention ballot, a situation which would cause significant voter confusion.

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In order to avoid these problems, the BOARD will recognize two categories of political parties. In category one will be parties which have been designated "established political parties" in accordance with Illinois statute. Category one parties will be listed first to permit the judicial retention ballot to remain on the machine and to assist voters in making their selections. A lottery will be held to determine the order category one parties will be listed on the ballot.

Parties not qualifying for category one will be placed on the ballot in accordance with procedures set forth in the rules of the Illinois State Board of Elections.

BOARD OF ELECTION COMMISSIONERS  
OF CHICAGO and JOHN HANLY, MARIE  
SUTHERS and HOWARD C. MEDLEY, SR.,  
Individually and as Commissioners of the  
Board of Election Commissioners of Chicago,  
Defendants

By: *Richard A. Devine*  
RICHARD A. DEVINE

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